

IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF GEORGIA
ATHENS DIVISION

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|---------------------------|---|-----------------------------------|
| MOHAMED ELNOUR, | : | |
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| Petitioner, | : | |
| | : | |
| v. | : | Case No. 3:21-CR-28-CAR-CHW-1 |
| | : | Case No. 3:24-CV-94-CAR-CHW |
| | : | |
| UNITED STATES OF AMERICA, | : | Proceeding Under 28 U.S.C. § 2255 |
| | : | |
| Respondent. | : | |
| | : | |

**ORDER ON RECOMMENDATION OF THE UNITED STATES
MAGISTRATE JUDGE**

Before the Court is the United States Magistrate Judge's Recommendation to grant the Government's Motion to Dismiss Petitioner Mohamed Elnour's Motion to Vacate his sentence pursuant to 28 U.S.C. § 2255. Petitioner has not objected to the Recommendation, and the time in which to do so has expired. Having considered the Recommendation, the Court agrees with the findings and conclusions of the United States Magistrate Judge. The Report and Recommendation [Doc. 56] is hereby **ADOPTED** and **MADE THE ORDER OF THE COURT**. As set forth in the Report and Recommendation, because Petitioner cannot show his attorney's performance was deficient or that the outcome of his case was prejudiced because of his attorney's performance, and because his remaining grounds for relief are barred by the valid collateral attack waiver in his plea agreement,

the Court **GRANTS** the Government's Motion to Dismiss [Doc. 54] and **DISMISSES** Petitioner's Motion to Vacate [Docs. 49, 53]. Additionally, because Petitioner has failed to make a substantial showing of the denial of a constitutional right, a certificate of appealability is **DENIED**.

SO ORDERED, this 28th day of April, 2025.

S/ C. Ashley Royal
C. ASHLEY ROYAL, SENIOR JUDGE
UNITED STATES DISTRICT COURT